

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

In re:

KRISJENN RANCH, LLC

Debtor

§

Chapter 11

Case No. 20-50805

**KRISJENN RANCH, LLC and
KRISJENN RANCH, LLC-SERIES
UVALDE RANCH, and KRISJENN
RANCH, LLC-SERIES PIPELINE
ROW as successors in interest to
BLACKDUCK PROPERTIES, LLC,
*Plaintiffs***

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V.

ss

**DMA PROPERTIES, INC., and
LONGBRANCH ENERGY, LP,
Defendants**

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§

Adversary No. 20-05027

DMA PROPERTIES, INC
Cross-Plaintiff/Third Party Plaintiff

§

§

V.

§

**KRISJENN RANCH, LLC,
KRISJENN RANCH, LLC-SERIES
UVALDE RANCH, and KRISJENN
RANCH, LLC-SERIES PIPELINE ROW,
BLACK DUCK PROPERTIES, LLC,
LARRY WRIGHT, and JOHN TERRILL**
*Cross-Defendants/Third-Party
Defendants*

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Adversary No. 20-05027

AGREED JOINT MOTION TO MODIFY SCHEDULING ORDER

**TO THE HONORABLE RONALD B. KING,
CHIEF UNITED STATES CHIEF BANKRUPTCY JUDGE:**

Plaintiffs KrisJenn Ranch, LLC, KrisJenn Ranch, LLC – Series Uvalde Ranch, and KrisJenn Ranch, LLC – Series Pipeline ROW (together, “Plaintiffs,” “KrisJenn Ranch” and/or “KJR”), Defendants / Counter-Plaintiffs DMA Properties, Inc. and Frank Daniel Moore (together, “DMA”), and Defendant Longbranch Energy, LP (“Longbranch”) (collectively KrisJenn Ranch, DMA and Longbranch are sometimes referred to herein as “the Parties”), hereby file this their Agreed Joint Motion to Modify Scheduling Order, pursuant to Rule 16 of the FEDERAL RULES OF CIVIL PROCEDURE and Rule 7016 of the FEDERAL RULES OF BANKRUPTCY PROCEDURE, and in support of this Agreed Joint Motion respectfully state the following:

1. On July 16, 2020, this Court entered a Scheduling Order setting the deadline for filing amended or supplemental pleadings and for joinder of additional parties for and on September 14, 2020, *see* Dkt # 24, ¶ 1, and setting the deadline for completing discovery for on or before October 14, 2020, *id.*, ¶ 2, also providing that counsel “may, by agreement, continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances.” *Id.*

2. One of the Defendants, Larry Wright, did not accept service of the summons and appear in the case until early August 2020. By agreement, the parties agreed that Mr. Wright’s Answer Date would be August 24, 2020 and his deadline to respond to the then-pending Motion for Summary Judgment would be extended to September 14, 2020.

3. The parties are currently in the process of conducting discovery, including third-party discovery.

4. Motions for partial summary judgment are set in late September and mid-October, respectively.

5. On August 17, 2020, during a hearing in the underlying Bankruptcy Case, the Court set trial for December 7-9, 2020.

6. The Parties have agreed that the deadline for filing all amended or supplemental pleadings and for the joinder of additional parties, subject to the approval of the Court, shall be extended to on or before October 14, 2020.

7. The Parties have agreed that the deadline for completing discovery, subject to the approval of the Court, shall be extended to on or before November 18, 2020, and that counsel “may, by agreement, continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances.”

8. This is the Parties’ first request for the extension of deadlines, and it is agreed and filed as an agreed joint motion.

9. This request is not made for the purposes of delay, but in the interest of justice.

WHEREFORE, Plaintiffs KrisJenn Ranch, LLC, KrisJenn Ranch, LLC – Series Uvalde Ranch, and KrisJenn Ranch, LLC – Series Pipeline ROW, Defendants / Counter-Plaintiffs DMA Properties, Inc. and Frank Daniel Moore, and Defendant Longbranch Energy, LP, respectfully requests that this Court grant the Parties’ Agreed Joint Motion to Modify Scheduling Order by signing and entering an Amended Scheduling Order substantially in the form of Exhibit A hereto into the record of the Court.

Dated: September 14, 2020.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all counsel of record by way of e-service through the CM/ECF system by notice of electronic filing or via email on the 14th day of September, 2020.

/s/ Michael J. Black
MICHAEL J. BLACK

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

In re:	§	Chapter 11
KRISJENN RANCH, LLC	§	
<i>Debtor</i>	§	Case No. 20-50805
	§	

KRISJENN RANCH, LLC and	§	
KRISJENN RANCH, LLC-SERIES	§	
UVALDE RANCH, and KRISJENN	§	
RANCH, LLC-SERIES PIPELINE	§	
ROW as successors in interest to	§	
BLACKDUCK PROPERTIES, LLC,	§	
<i>Plaintiffs</i>	§	
	§	
v.	§	
	§	
DMA PROPERTIES, INC., and	§	
Longbranch Energy, LP,	§	Adversary No. 20-05027
<i>Defendants</i>	§	

DMA PROPERTIES, INC	§	
<i>Cross-Plaintiff/Third Party Plaintiff</i>	§	
	§	
v.	§	
	§	
KRISJENN RANCH, LLC,	§	

KRISJENN RANCH, LLC-SERIES	§	
UVALDE RANCH, and KRISJENN	§	
RANCH, LLC-SERIES PIPELINE ROW,	§	Adversary No. 20-05027
BLACK DUCK PROPERTIES, LLC,	§	
LARRY WRIGHT, and JOHN TERRILL	§	
<i>Cross-Defendants/Third-Party</i>	§	
<i>Defendants</i>	§	

JOINT AMENDED SCHEDLING ORDER
[Relates to Dkt. 24]

Pursuant to Rule 16, Federal Rules of Civil Procedure, and the agreement of the Parties, the Court issues the following amended scheduling order.

IT IS ORDERED THAT:

1. The parties shall file all amended or supplemental pleadings and shall join additional parties on or before **10/14/20**. See L. Rule 7015.

2. All parties asserting or resisting claims for relief shall serve on all other parties, but not file, the disclosures required by Federal Rule of Civil Procedure 26(a)(1) on or before 7/30/20.

3. The parties shall complete discovery on or before **11/18/20**. Counsel may, by agreement, continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances.

4. All dispositive motions shall be filed and served on all other parties on or before 10/26/20 and shall be limited to 20 pages. See L. Rule 7007(a) for the definition of dispositive motions and page limits. Responses shall be filed and served on all other parties not later than 21 days of the service of the motion and shall be limited to 20 pages. See L. Rule 7007(b)(2). Any replies shall be filed and served on all other parties not later than 7 days of the service of the response and shall be limited to 10 pages, but the Court need not wait for the reply before ruling on the motion. See L. Rule 7007(c).

5. Motions other than Rule 12 or 56 are governed by L. Rule 7007, 9013, and 9014 where applicable.

6. Trial is set for 12/7/20 at 09:00 PM at VIA **WEBEX**.

7. A joint pre-trial order and proposed findings of fact and conclusions of law are due 11/30/20. See L. Rule 7016(c) and (d).

8. Exhibits and a witness list are to be exchanged three business days in advance of trial. See L. Rule 7016(f). In addition, counsel are encouraged to present and provide electronic versions of exhibits where practicable. Use and presentation of electronic exhibits should be coordinated through the courtroom deputy.

9. Counsel are reminded that, with regard to any paper that is filed, compliance with Fed. R. Civ. P. 5.2 is mandatory. As such, counsel should ensure that appropriate redactions are made.

10. This Scheduling Order does not specifically address the discovery of electronically stored information (ESI). To the extent the parties believe that ESI is subject to discovery, the parties are directed to reach an agreement on production of ESI. The parties are encouraged to use the template developed by the Seventh Circuit Electronic Discovery Pilot Program. See (<http://www.discoverypilot.com>). Any party may bring any dispute regarding the discovery of ESI, but it must be brought to the Court's attention by motion 30 days after Rule 26(a)(1) disclosures are made.

11. Counsel residing outside the State of Texas shall designate local counsel in writing, giving the street address, telephone number and mailing address. The designation shall be filed with the Clerk of the Court in this proceeding, and a copy shall be sent to all other counsel of record in this proceeding. This provision may be waived by the Court upon motion of counsel and service upon other parties.

12. All discovery must be commenced and completed by the discovery deadline provided in this Order.

a. Designation of experts shall be an issue at any pretrial conference.

b. Counsel are encouraged to resolve discovery disputes by agreement. Motions to compel, motions for protective orders and similar motions, while not prohibited, may result in sanctions being imposed on the losing party or both parties as provided in Fed. R. Bankr. P. 7037 & 9011 or 28 U.S.C. section 1927, if a hearing is required thereon.

c. If applicable, parties may file dispositive motions under Fed. R. Bankr. P. 7012 & 7056 and Fed. R. Civ. P. 12(b) & 56. Such motions, if filed, must be filed by the deadline for dispositive motions in this Order. Responses to motions under FRBP 12 and 56 must be filed within 21 days after the Motion is filed. All other motions in this adversary proceeding, unless unopposed, require the filing of a written response within 14 days, or the motion may be granted without a hearing.

d. All discovery shall be commenced at a time which allows for the full response time provided by applicable rules on or before the discovery deadline. E.g., if the discovery deadline is July 15, interrogatories must be actually delivered on or before June 15 in order to allow thirty days for answers. If the interrogatories are mailed, then they must be mailed on or before June 12, pursuant to Fed. R. Bankr. P. 9006(f), to allow three additional days for service by mail.

e. The Court may, upon motion and for cause shown, extend, reduce, or otherwise modify the deadlines set out in the Scheduling Order. Mere agreement of the parties to such extensions or modifications is not of itself sufficient cause.

13. Counsel and unrepresented parties must confer prior to the date the Pre-Trial Order is required to be filed, to fully explore the possibility of settlement, to stipulate to matters not in dispute and to simplify the issues. The Pre-Trial Order shall contain a certificate to the effect that the conference of counsel has been held. Counsel must also confer in an effort to determine whether the original time estimate for trial is correct or should be revised. If the parties wish to

have a pre-trial conference with the Court, a pre-trial conference should be requested as early as possible, but at least 60 days prior to the trial.

IT IS SO ORDERED.

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